

Appl. No. : 09/909,194
Filed : July 19, 2001

REMARKS

The Advisory Action mailed August 18, 2005 has been received and reviewed. . As the Advisory Action indicated that the proposed amendments filed July 18, 2005 would not be entered by the Examiner, Applicant files the present Amendment with a Request for Continued Examination in compliance with 37 CFR 1.114.

Claims 1-23 were previously pending in this application. In response to the Examiner's request for restriction, Applicant has elected Claims 1-6, 8-15 and 19 (Group A) for prosecution on the merits without prejudice to canceled Claims 7, 16-18 and 20-23. Applicant reserves the right to pursue any non-elected claims in one or more divisional or continuation applications. In the present amendment, Applicant amends Claims 1, 8 and 15 and cancels Claims 7, 14, 16-18 and 20-23. Thus, Claims 1-6, 8-13, 15 and 19 remain pending in the application. Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the amendments and the following arguments.

REJECTION OF CLAIMS 1-6, 8, 11-15 AND 19 UNDER 35 U.S.C. 102(b)

The Examiner rejected Claims 1-6, 8, 11-15 and 19 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,644,723 to Deaton et al. ("Deaton"). Applicant respectfully disagrees with the Examiner's rejections and respectfully traverses this rejection, as discussed below.

Deaton fails to identically teach every element of Claims 1-6, 8, 11-15 and 19. See M.P.E.P. § 2131 (stating that in order to anticipate a claim, a prior art reference must identically teach every element of the claim).

Regarding Claim 1, Applicant respectfully disagrees with the Examiner's characterization of Deaton. However, Applicant amends Claims 1 herein without changing its scope to state, among other things, "the transaction module further configured to select at least one of the plurality of user accounts to use for a commercial transaction with the at least one of a plurality of merchants wherein the **selection is based at least in part on comparing predetermined rules that govern use of the plurality of user accounts and the at least one promotion.**" (Emphasis added.)

Appl. No. : 09/909,194
Filed : July 19, 2001

In the above-referenced Advisory Action, the Examiner states that "Deaton et al. permits the customer to pay for purchases with various financial accounts." Applicant respectfully submits, however, that Deaton does not teach a transaction module that selects at least one of a plurality of user accounts to use for a commercial transaction with the at least one of a plurality of merchants. Further, Deaton does not teach predetermined rules that govern which accounts will be used to pay for various transactions. In contrast with Deaton, an aspect of the present application uses predetermined rules such as date of transaction, amount of transaction, the particular merchant, benefits associated with promotions offered by merchants, etc. For example, the transaction module may automatically select a specific credit card for a particular transaction based on a predetermined rule that the specific credit card offers free flight insurance for online purchases of airline tickets using the specific card. The above examples are for illustrative purposes only and are not intended to be limited. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of Claim 1.

Regarding Claim 8, Applicant respectfully submits that Deaton does not teach or suggest, among other things, "matching at least one of the plurality of promotions to at least one of the plurality of users based at least upon a portion of the plurality of user information **and the user account information**," as amended in Claim 8 (emphasis added). Rather, Deaton appears to be silent as to matching that is based on, among other things, user account information. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of Claim 8.

Claims 2-6, 11-13, 15 and 19 depend from allowable base claims and, for at least the reasons above, are believed to be patentable. Thus, allowance of Claims 2-6, 11-13, 15 and 19 is earnestly solicited.

CONCLUSION

In conclusion, Claims 1-6, 8, 11-13, 15 and 19 are believed to be in condition for allowance, and an early notification thereof is respectfully solicited. Should the Examiner determine that additional issues may be resolved by a telephone call, the

Appl. No. : 09/909,194
Filed : July 19, 2001

Examiner is cordially invited to contact the undersigned so that such issues may be promptly resolved and the case passed to issuance.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 9/19/05

By: Aaron D. Barker
Aaron D. Barker
Registration No. 51,432
Attorney of Record
Customer No. 20,995
(949) 760-0404

1937293
091605